

REMARKS

Claims 281-308 are pending.

Claims 281-308 are added to more particularly point out and distinctly claim some of embodiments of the invention.

Descriptive support for claims 281 and 295 can be found in the specification which discloses zolpidem hemitartrate monohydrate and zolpidem hemitartrate hemiethanolate in page 18, lines 17-18 and page 19, lines 4-6, and discloses in page 1, lines 12-14, that zolpidem hemitartrate can have a chemical name of imidazo[1,2-a]pyridine-3-acetamide, N,N,6-trimethyl-2-(4-methylphenyl)-, (2R,3R)-2,3-dihydroxybutanedioate as represented by the structural formula at the top of page 2. One skilled in the art would readily understand that there is inherent descriptive support for “imidazo[1,2-a]pyridine-3-acetamide, N,N,6-trimethyl-2-(4-methylphenyl)-, (2R,3R)-2,3-dihydroxybutanedioate (2:1), dihydrate” which is a synonym of zolpidem hemitartrate monohydrate, and there is inherent descriptive support for “imidazo[1,2-a]pyridine-3-acetamide, N,N,6-trimethyl-2-(4-methylphenyl)-, (2R,3R)-2,3-dihydroxybutanedioate, ethanol (2:1:1)” which is a synonym of zolpidem hemitartrate hemiethanolate.

Applicants note that the names of zolpidem hemitartrate monohydrate and “imidazo[1,2-a]pyridine-3-acetamide, N,N,6-trimethyl-2-(4-methylphenyl)-, (2R,3R)-2,3-dihydroxybutanedioate (2:1), dihydrate” refer to the same chemical. Similarly, the names of zolpidem hemitartrate hemiethanolate and “imidazo[1,2-a]pyridine-3-acetamide, N,N,6-trimethyl-2-(4-methylphenyl)-, (2R,3R)-2,3-dihydroxybutanedioate, ethanol (2:1:1)” refer to the same chemical.

Descriptive support for claims 282-294 and 296-308 can be found in the specification at page 18, line 17 to page 19, line 6; page 24, lines 10-23; and page 25, line 3 to page 26, line 19, and in the original filed claims 23 and 24. In particular, for claim 287, descriptive support for “about 2 to about 2.5 moles of water” can be found in the specification at page 19, lines 3-5, which discloses a weight loss of about 2.3 to about 2.7% by TGA. The weight loss of about 2.3% corresponds to about 1 mole of water per mole of zolpidem hemitartrate because the theoretical weight loss is 2.3% for 1 mole of water per mole of zolpidem hemitartrate. The value of about 1 mole of water per mole of zolpidem hemitartrate is equivalent to about 2 moles of water per mole of “imidazo[1,2-a]pyridine-3-acetamide, N,N,6-trimethyl-2-(4-methylphenyl)-,

(2R,3R)-2,3-dihydroxybutanedioate (2:1).” Similarly, the weight loss of about 2.7% corresponds to about 1 ¼ mole of water per mole of zolpidem hemitartrate. The value of about 1 ¼ mole of water per mole of zolpidem hemitartrate is equivalent to about 2.5 moles of water per mole of “imidazo[1,2-a]pyridine-3-acetamide, N,N,6-trimethyl-2-(4-methylphenyl)-, (2R,3R)-2,3-dihydroxybutanedioate (2:1).”

Applicants’ Statement of Substance of Interviews

The undersigned would like to thank Examiner Chang for courtesy extended in a telephone interview conducted on June 28, 2006 and a personal interview conducted on July 5, 2006. In the interviews, Examiner Chang indicated to the undersigned that zolpidem hemitartrate monohydrate and zolpidem hemitartrate hemiethanolate were allowable subject matter if recited in the claims with the chemical names given by the Chemical Abstract Services for the chemicals having CAS Registry Numbers 371165-36-5 and 371165-43-4. In the personal interview of July 5, 2006, the undersigned proposed claim amendments for the consideration of Examiner Chang. The Interview Summary dated July 5, 2006 states that “Identification of prior art discussed: RN371165036-5 and 371165-43-4.” It is apparent that “RN371165036-5” in the Interview Summary was a typographical error for RN371165-36-5. As noted by the undersigned during the personal interview of July 5, 2006, RN371165-36-5 and RN371165-43-4 are not prior art because RN371165-36-5 and RN371165-43-4 are two chemical entries made by the Chemical Abstract Services based on the disclosures of applicants’ own published international patent application, PCT/US01/13175, filed on April 24, 2001 which is the same filing date as the instant U.S. non-provisional application.

Conclusion

Applicants urge that the Examiner calls the undersigned in the event that there remains any issue that can be resolved via a telephone interview.

In the event that the filing of this paper is deemed not timely, applicants petition for an appropriate extension of time. The petition fee and any other fees that may be required for this paper can be charged to Deposit Account No. 11-0600.

Respectfully submitted,

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